IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Writ Petition No. 1969 of 2003 (S/S)

Smt. Veena Denial W/o Sri Naveen Denial,
R/o 51-C, Rajpur Road,
Dehradun …….. Petitioner

Versus

The Principal,
C.N.I. Girls Inter College,
Dehradun and others ……. Respondents

Mr. B.P. Nautiyal, learned counsel for the petitioner.
Mr. Manoj Tiwari, learned counsel for the respondents Nos. 1 & 2.

Hon. P.C. Verma, A.C.J.

The petitioner is a Class IV employee in C.N.I. Girls Inter College, Dehradun. She has filed this writ petition seeking a writ of mandamus to command the respondents to promote her on Class III post under 50% quota as provided under Regulation 2(1) 2(2) of Chapter III framed under Section 16-G of U.P. Intermediate Education Act, 1921.

In C.N.I. Girls Inter College Dehradun, undisputedly, four posts of Class III were sanctioned. Out of these four posts, one post is of Head Clerk which is to be filled up by promotion form amongst the clerks. Initially, there were three viz. one post of Head Clerk and two posts of junior Clerk. All these posts were filled up. Out of two posts of the junior Clerk one post was filed up by promotion from Class IV employee. Fourth post was created subsequently. After creation of fourth post, the petitioner put forward her claim for her promotion under the 50% quota. In the counter affidavit filled by the Principal of the C.N.I. College on behalf of the D.I.O.S. it has been stated that out of these four posts two persons have already been promoted from Class IV.

The D.I.O.S. has calculated two posts filled up by promotion treating the Head Clerk who has been promoted from the Clerk. The D.I.O.S. wrongly calculated promotion to be a promotion under the 50% quota to be filled amongst the Class IV employees. Therefore, admittedly there is only one Class IV emloyee promoted against the four posts. Thus, accordingly to Regulation 2(1) 2(2) of Chapter III framed under Section 16-G of U.P. Intermediate Education Act, 1921, one post out of four posts which is newly created is to be filled up by promotion. Therefore, the respondents are directed to consider the case of the petitioner for promotion in accordance With Rule against the newly created fourth post.

Petition is disposed of accordingly.

(P.C. Verma, A.C.J.)

Dt.07.06.2004
HN